

REMARKS

Initially, Applicants note that the Examiner did not acknowledge the priority claim to PCT/DE2003/002929, filed September 3, 2003, which claims priority to German application number 102 41 205.7, filed September 5, 2002. Applicants believe that, as a national phase application of PCT/DE2003/002929, the Examiner should either acknowledge the priority claim or explain why the priority claim is not being acknowledged.

In response to the Office Action mailed on November 1, 2006, Applicants amended claims 1-7, 9, 10, 12, 15-18 and 20, and cancelled claims 8 and 13. Accordingly, claims 1-7, 9-12 and 14-22 are presented for examination.

The Examiner rejected claims 1-7 and 20-22 under 35 U.S.C. § 102(a) as being anticipated by Camaioni et al., "Solar Cells Based on poly(3-alkyl)thiophenes and [60]fullerene: a comparative study", Journal of Materials Chemistry, The Royal Society of Chemistry, 2002, pp. 2065-2070 ("Camaioni") or under 35 U.S.C. § 103(a) as being unpatentable over Camaioni. Applicants cancelled claims 8 and 13, so the rejection of these claims should be withdrawn. But, as amended, claims 1-7 and 20-22 cover methods that include heating a photovoltaically active layer to a temperature of at least 70°C. Camaioni does not disclose or suggest such methods. Instead, Camaioni discloses that a dramatic improvement of the device performance could be achieved after a mild thermal treatment of the cells and that in one example, a PHT-3 cell showed such an improvement after heating it to about 55°C. (See, e.g., Camaioni at 2068.) After reading this, one skilled in the art would not have been motivated to modify Camaioni to provide the methods covered by claims 1-7 and 20-22. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claim 8 under 35 U.S.C. § 102(a) as being anticipated by Camaioni. Applicants cancelled this claim, so the rejection should be withdrawn.

The Examiner rejected claims 9-19 under 35 U.S.C. § 102(a) as being anticipated by Camaioni or under 35 U.S.C. § 103(a) as being unpatentable over Camaioni. Applicants cancelled claim 13, so the rejection of this claim should be withdrawn. As amended, claims 9-12

and 14-19 cover methods that require contacting a photovoltaically active layer with a solvent vapor. The Examiner stated:

[B]ecause the fullerene material and the organic semiconductor material are in solution form and the fullerene which is in solution form in toluene, Camaioni meets the claim limitations. (Office Action at 5.)

Applicants do not concede that the Examiner properly characterized Camaioni. However, even if the Examiner's characterization of Camaioni were appropriate, Camaioni would contact the fullerene with solvent vapor, which is not the same as contacting a photovoltaically active layer with a solvent vapor, as required by claims 9-12 and 14-19. Further, there is no suggestion to modify Camaioni's process to provide the methods covered by these claims. Applicants therefore request reconsideration and withdrawal of this rejection.

Applicants believe the application is in condition for allowance, which action is requested. Please apply any charges or credits to deposit account 06 -1050.

Respectfully submitted,

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